

MEMO ENDORSED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 3/31/2020

TOM MILLIKEN, derivatively on behalf of
HOSPITALITY INVESTORS TRUST, INC.,

Plaintiff,

v.

AMERICAN REALTY CAPITAL HOSPITALITY
ADVISORS, LLC, AMERICAN REALTY
CAPITAL HOSPITALITY PROPERTIES, LLC,
AMERICAN REALTY CAPITAL HOSPITALITY
GRACE PORTFOLIO, LLC, AR CAPITAL, LLC,
AR GLOBAL INVESTMENTS, LLC, NICHOLAS
S. SCHORSCH, WILLIAM M. KAHANE, PETER
M. BUDKO, EDWARD M. WEIL, BRIAN S.
BLOCK, JONATHAN P. MEHLMAN, EDWARD
T. HOGANSON, STANLEY R. PERLA, ABBY M.
WENZEL, AND ROBERT H. BURNS,

Defendants,

-and-

HOSPITALITY INVESTORS TRUST, INC.,

Nominal Defendant.

Case No. 18-CV-1757 (VEC)

NOTICE OF MOTION TO INTERVENE AND VACATE PRELIMINARY APPROVAL OF THE PROPOSED SETTLEMENT

PLEASE TAKE NOTICE that Stuart Wollman, upon the accompanying Memorandum of Law, will move, by and through his undersigned counsel, before the Honorable Valerie E. Caproni, United States District Judge for the Southern District of New York, on such date that the Court will determine, for an Order: (i) pursuant to Federal Rule of Civil Procedure 24 allowing him to intervene; and (ii) vacating this Court's preliminary approval of the proposed settlement of this action.

Dated: March 25, 2020

**ABRAHAM, FRUCHTER &
TWERSKY, LLP**

/s/ Jeffrey S. Abraham

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Because the Court concurs with Movant that "Dr. Wollman's position in this case as an intervenor does not differ materially from his position in this case as an objector," Mem. of Law (Dkt. 134) at 6, the Court will construe this motion as an objection to the preliminarily approved settlement. The parties should proceed with the briefing schedule set forth in this Court's Order dated February 5, 2020 (Dkt. 128).

SO ORDERED.



3/31/2020

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE